

Applicants: Alex Aronov et al.
Application No.: 10/694,534

REMARKS

The Claim Amendments

Applicants have renumbered claims 51-90 as claims 50-89, respectively, because there was no original claim 50. Applicants have canceled claims 85 and 87-89.

Applicants have amended claim 1 to recite the definitions for R^A and the optional substituents for the aryl, heteroaryl, aliphatic, carbocycle and heterocycle groups.

Support may be found in originally-filed claim 1 and in paragraphs [0023]-[0027] of the specification. Applicants have amended claim 7 to correct a typographical error.

Support for this amendment is found in the originally-filed claim. Applicants have amended claims 15, 16, 20, 21, 26, 29, 38, 39, 45, 46, 49, 50 (formerly 51), 62 (formerly 63) and 86 (formerly 87) to improve their form. Applicants have amended claims 26, 30 and claims 53, 54, 56, 62 and 86 (formerly claims 54, 55, 57, 63 and 87, respectively) to correct their dependency. Support may be found in the originally-filed claims.

Applicants have further amended claim 38 to provide the formula for rings i-x and II-A to II-DD for variable Ring A. Support may be found in originally-filed claims 5 and 7. Applicants have further amended claims 38 and 62 (formerly 63) to correct the definition of variable Z. Support may be found in originally-filed claim 1.

Applicants have added claim 90. Support for this claim may be found in Tables 1-11 on pages 30-35, 44-48, 57-59, 68-72, 81-93, 105-106, 112-113, 118-119, 125-126, 132-133 and 144-154 of the specification.

None of these amendments adds new matter. Their entry is requested.

The Response

The Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected former claims 86 and 88-90 (now renumbered as claims 85 and 87-89) as allegedly failing to comply with the enablement requirement.

Solely to expedite prosecution, applicants have canceled claims 85 and 87-89, thus obviating this rejection.

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The Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 1, 4-33, 36-49, former claims 51-58 (now renumbered as claims 50-57), former claims 60-63 (now renumbered as claims 59-62) and former claims 85-90 (now renumbered as claims 84-89) as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicants regards as the invention.

The Examiner states that the value of R^A is not defined in claims 1, 4-33, 36-57, 59-62 and 84-89. Applicants have amended claim 1 to recite the definition of R_A , thus obviating this rejection.

The Examiner states that there is no formula II-DD for Ring A in claim 7 but that formula II-BB is mentioned twice. The Examiner further states that the lack of formula II-DD renders claim 8 indefinite. Applicants have amended claim 7 to recite formula II-DD, thus obviating the rejections of claims 7 and 8.

The Examiner states that the phrase “such as” in claims 15, 16 and former claim 89 (now claim 88) renders the claims indefinite. Applicants have amended claims 15, 16 and 88 to delete this phrase, thus obviating this rejection.

The Examiner states that the value of variable R is vague and indefinite in claims 20, 21, 45 and 46. Applicants have deleted the definition of R in these claims, thus obviating this rejection.

The Examiner states that there is insufficient antecedent basis in claim 20 for the limitation “formula h”, as recited in claim 26. Applicants have corrected the dependency of claim 26, thus obviating this rejection.

The Examiner states that there is insufficient antecedent basis in claim 27 for the value of variable R^3 as recited in claim 30. Applicants have corrected the dependency of claim 30, thus obviating this rejection.

The Examiner states that there is insufficient antecedent basis in claims 33-37 for the value of variable Ring A and the value of variable Z as recited in claim 38. Applicants have amended claim 38 to recite the formulae i-x and II-A to II-DD for the

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value of variable Ring A and have corrected the value of variable Z, thus obviating this rejection.

The Examiner states that there is insufficient antecedent basis in former claims 58-62 (now claims 57-61) for the value of variable Z as recited in former claim 63 (now claim 62). Applicants have corrected the value of variable Z in claim 62, thus obviating this rejection.

The Examiner states that the term “therapeutic agent” in former claim 86 (now claim 85) is indefinite. Applicants have canceled claim 85, thus obviating this rejection.

The Examiner states that the term “family” in former claim 87 (now claim 86) is indefinite. Applicants have deleted this term, thus obviating this rejection.

The Examiner states that the term “mediated disease or condition” in former claim 88 (now claim 87) is indefinite. Applicants have canceled claim 87, thus obviating this rejection.

The Examiner states that various terms in former claims 89 and 90 (now claims 88 and 89, respectively) are indefinite. Applicants have canceled claims 88 and 89, thus obviating this rejection.

The Rejection Under 35 U.S.C. §102(b)

The Examiner has rejected claims 1 and 39, and former claims 52-56, 85, 88 and 90 (now claims 51-55, 84, 87 and 90) under 35 U.S.C. §102(b) as allegedly being anticipated by Patel et al., Bioorgan. & Medicin. Chem. Lett. 9: 3217-20, 1999 (hereafter “Patel”). Specifically, the Examiner states that tautomer compounds 3 and 6 disclosed by Patel anticipate the instant claims. Applicants traverse in light of the amended claims.

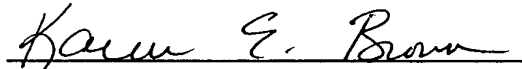
First, applicants point out that compound 6 is not a tautomer of the instant claims. As demonstrated on page 3219, none of the values for “R” can be oxygen. Second, amended claim 1 is neither anticipated nor rendered obvious by compound 3 of Patel. Specifically, when variable A is a non-aromatic heterocyclic ring, it cannot be substituted by CH₂-phenyl. Thus, none of the instant claims are anticipated or rendered obvious by Patel.

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Conclusion

Applicants request that the Examiner enter the above amendments, consider the accompanying arguments, and allow the claims to pass to issue. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, applicants request that the Examiner contact the undersigned at his convenience.

Respectfully submitted,



Karen E. Brown

Reg. No. 43,866

Attorney/Agent for Applicants

c/o Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, Massachusetts 02139
Tel: (617) 444-6168
Fax: (617) 444-6483